

Serial No. 10/632,561

Resp. to Off. Action of Sep. 13, 2009

UTILITY PATENT

B&D No. JK01243

REMARKS

Applicants have canceled Claims 21-25. Currently in the above-identified application are Claims 35-36 and 38-41.

The Examiner rejected Claims 21 and 24 under 35 USC § 103(a) as being unpatentable over US Patent No. 5,996,460 ("Waite"). The Examiner also rejected Claim 22 under 35 USC § 103(a) as being unpatentable over Waite in view of US Patent No. 7,159,497 ("Weusthof"). Similarly, the Examiner rejected Claim 23 under 35 USC § 103(a) as being unpatentable over Waite in view of JP 408138420 ("Takahashi"). Because Applicants have canceled Claims 21-25, these rejections are moot.

The Examiner rejected Claims 35-36 and 40 under 35 USC § 102(e) or §103(a) as unpatentable over US Publication No. 2004/0255745 ("Peot"). The Examiner also rejected Claim 38 under 35 USC § 103(a) as being unpatentable over Peot in view of Weusthof. Similarly, the Examiner rejected Claim 39 under 35 USC § 103(a) as being unpatentable over Peot in view of Takahashi. Finally, the Examiner rejected Claim 41 under 35 USC § 103(a) as being unpatentable over Peot in view of US Patent No. 5,285,708 ("Bosten"). Reconsideration and withdrawal of these rejections are respectfully requested.

Claim 35 requires a first and second optical emitting device for projecting two optical indicators substantially aligned with the first and second side of the blade's kerf. Peot does not disclose such devices. Instead, Peot discloses a light for "illuminating the cutting zone as well as

DEC 13 2010

Serial No. 10/632,561

Resp. to Off. Action of Sep. 13, 2009

UTILITY PATENT

B&D No. JK01243

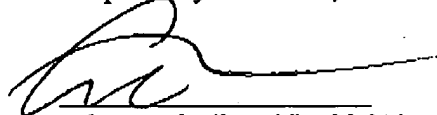
the workpiece, saw blade (16) and any scale or alignment marks on the table top (12).” Peot, para 0032. In other words, the light is just used for illumination, rather than as an alignment aid.

By contradistinction, Claim 35 calls for a “first optical indicator [being projected by the first optical emitting device] to substantially indicate a cutting path of the blade along the workpiece; and a second optical emitting device... [for projecting] a second optical indicator substantially aligned with the second side of the kerf.” Because Peot does not teach or suggest using the illuminating light as an alignment aid by aligning such light with the cutting path and/or kerf, it cannot render unpatentable Claim 35 and its dependent claims.

No fee is due. Nevertheless, the Commissioner is authorized to charge payment of any fees due in processing this response, or credit any overpayment to Deposit Account No. 02-2548.

In view of the foregoing, all the claims are patentable and the application is believed to be in condition for formal allowance. Reconsideration of the application and allowance of Claims 35-36 and 38-41 are respectfully requested.

Respectfully submitted,



Adan Ayala, Reg. No. 38,373
Attorney for Applicants
(410) 716-2368